

***United States District Court
United States Courthouse
500 Pearl Street
New York, NY 10007***

Memorandum

March 15, 2007

To: Counsel
From: Judge Thomas P. Griesa
Re: Balbuena v. Mattingly (05 Civ. 2986)

At present there exist two operative complaints in this case, Norma Balbuena's complaint and the infant plaintiffs' complaint. As counsel is already aware, the court intends to sever one of the complaints from the instant action and to have it stand as a separate action. A conference is currently being scheduled to discuss how best to achieve this end.

In the meantime, the court is drafting an opinion concerning State Defendant's motion to dismiss the infant plaintiffs' complaint. As part of that motion, State Defendant argues that infant plaintiffs do not have standing to bring their action because their interests are represented by Balbuena. In view of the impending severance of the complaints, the court wishes to know whether State Defendant's argument is affected by the proposed severance.

The court requests that State Defendant provide a prompt answer
to that question.